

1 COUNSEL LISTED ON SIGNATURE PAGE

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6 ***E-FILED - 7/24/07***

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 XOFT, INC.,) Case No. CV 05-05312 RMW (RS)
12 Plaintiff,)
13 vs.)
14 CYTYC CORPORATION and PROXIMA)
15 THERAPEUTICS, INC.,)
16 Defendants.)
17)
18 AND RELATED COUNTERCLAIMS.)
19)

20 WHEREAS, the parties are earnestly engaged in good faith discussions concerning a settlement
21 of this action and the underlying dispute;

22 WHEREAS, the parties and their respective counsel previously requested and received from
23 the Court a thirty-day suspension of all case deadlines and proceedings, including hearings already
24 scheduled on this Court's calendar, to allow them to focus on their settlement discussions;

25 WHEREAS, the current thirty-day stay expires on July 18, 2007, and the parties believe that an
26 additional thirty-day suspension of all case deadlines and proceedings will allow them to bring their

settlement discussions to a close (the executives of the parties have met and agreed to a term sheet and a draft settlement agreement is currently circulating between counsel for the parties);

3 NOW THEREFORE, the parties, through their respective counsel of record, subject to the
4 approval of the Court, hereby stipulate, agree, and jointly apply to the Court for an additional thirty-
5 day stay of all deadlines and proceedings in this case. The hearing provisionally scheduled before the
6 Honorable Ronald M. Whyte on August 17, 2007, and the hearings provisionally scheduled before the
7 Honorable Richard Seeborg on August 1, 2007 and August 15, 2007, shall be rescheduled for
8 September 21, 2007, September 5, 2007 and September 19, 2007, respectively, or such other dates
9 subsequent to the aforesaid dates as Judge Whyte and Magistrate Judge Seeborg shall set. Unless the
10 case is sooner dismissed, within five days of the expiration of the stay on August 15, 2007, the parties
11 will file a report advising the Court of the status and outcome, if any, of their settlement discussions.

It is SO STIPULATED.

DATED: July 16, 2007

HOWREY LLP

By:/s/ Henry C. Su
Henry C. Su

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Attorneys for Defendants CYTYC CORPORATION and CYTYC SURGICAL PRODUCTS II, INC.

1 DATED: June 18, 2007

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27 Attorneys for Plaintiff XOFT, INC.

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19 Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury
20 that concurrence in the filing of the document has been obtained from each of its signatories.

21
22 Dated: June 18, 2007

23 By: /s/Henry C. Su

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/24/07

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge